

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JOHN MCGUIRE

Group/Art Unit:

Application No.: 10/516,486

Examiner:

Filed: 11/30/04

Attorney Docket No: MCGJ101

Title: APPARATUS FOR HOLDING A
CATHETER BAG**PETITION UNDER 37 CFR 1.181
AND STATEMENT IN SUPPORT THEREOF**

TO: Honorable Commissioner of Patents
ATTN: Catherine Short
Manager of United States Designated / Elected Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Please accept the following copies of papers, originally submitted on May 18, 2005, and move the aforementioned application onward for Examination.

Please accept the following copies of documents, attached as Exhibit A, that were submitted to the United States Patent Office on May, 18, 2005 in response to a Notification of Missing Requirements. These items are true and correct unsigned office copies of the signed papers that were sent to the Patent and Trademark Office. Please also find a stamped return receipt postcard indicating receipt of these papers in the United States Patent and Trademark Office on May 18, 2005.

After repeated attempts to determine the status of the aforementioned application, Applicant's attorney received a letter on May 2, 2006, which notified the Applicant's attorney that a review of the aforementioned application file fails to show the presence of any Response to a Notification of Missing Requirements.

Statement in Support of Revival of Application
Page 1

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This notification then indicated that if examination of the application was desired that the Applicant must prepare and file this petition to accept copies of this previously filed Response. A copy of this letter is attached as Exhibit B.

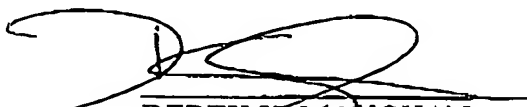
This petition and submission is made pursuant to the instructions set forth in Exhibit B, and the petition fee of \$400.00 is included pursuant to 37 CFR 1.182. Applicant's attorney believes that this petition is proper and requests acceptance thereof.

Applicant's attorney also respectfully submits that in as much as the copies now being provided are done to replace the originals that were previously and timely received by the Patent and Trademark Office, but have apparently been misplaced, that the fee for this petition to place copies of these previously submitted items into this file, should either be waived or refunded back to the Applicant.

Applicant respectfully requests that this petition be granted, that the items in Exhibit A are accepted into the application file and that the application be allowed to pass on for Examination. If you have any questions or concerns in this matter, please feel free to contact me.

DATED This 4th day of May, 2006.

Respectfully Submitted,



DEREK H. MAUGHAN
Reg. No. 52,007
Phone: 208-345-1122

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as United States Express Mail Post Office to Addressee Service (#EV638767717US)] in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

DATE: May 4, 2006



Amanda L. Mullins

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
MCGJ101

In Re Application Of: JOHN MCGUIRE

COPY
As Filed

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/516,486	11/30/2004		21,658		

Title: APPARATUS FOR HOLDING A CATHETER BAG

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

PETITION UNDER 37 CFR 1.181 AND STATEMENT IN SUPPORT THEREOF WITH EXHIBITS A AND B
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in the above identified application.

- ☐ No additional fee is required.
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- ☐ Charge the amount of
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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Signature

DEREK H. MAUGHAN
DYKAS, SHAVER & NIPPER, LLP
PO BOX 877
BOISE, ID 83701-0877
(208) 345-1122
REG. NO. 52,007

Dated: MAY 4, 2006

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

MAY 4, 2006

(Date)

Signature of Person Mailing Correspondence

AMANDA L. MULLINS VIA EXPRESS MAIL

Typed or Printed Name of Person Mailing Correspondence

cc: CLIENT

FORM 150-1170 (Modified) U.S. PATENT AND TRADE OFFICE: U.S. DEPARTMENT OF COMMERCE (REV. 2-2005)		KEY'S DOCKET NUMBER NCGJ101
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/516,486
INTERNATIONAL APPLICATION NO. PCT/GB03/01923	INTERNATIONAL FILING DATE 05/02/2003	PRIORITY DATE CLAIMED 05/31/2002
TITLE OF INVENTION APPARATUS FOR HOLDING A CATHETER BAG		
APPLICANT(S) FOR DO/EO/US JOHN MCGUIRE		

COPY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A FIRST preliminary amendment.
16. ☐ A SECOND or SUBSEQUENT preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EL987114140US
23. ☐ Other items or information:

EL987114140US



PTO-1350 (Rev. 02-2005)

for use through 3/31/2007, OMB 0051-0021

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/516,486		PCT/CB03/01923		MC/CJ101	
The following fees are submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee				\$300	\$0.00
25. <input type="checkbox"/> Examination fee					
If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).				\$100	\$0.00
All other situations.				\$200	
26. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100	
International Search Report prepared and provided to the Office				\$400	
All other situations.				\$500	\$0.00
TOTAL OF 24, 25 and 26 =				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0	/50 =	0	x \$250.00	\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$0.00
				Amount to be	\$
				Amount to be	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
DEREK H. MAUGHAN					
DYKAS, SHAVER & NIPPER, LLP					
PO BOX 877					
BOISE, IDAHO 83701-0877					
(208) 345-1122					
				SIGNATURE	
				DEREK H. MAUGHAN	
				NAME	
				52,007	
				REGISTRATION NUMBER	

Express Mail Label No.

Page 1 of 2

Docket No.
MCCJ101

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
APPARATUS FOR HOLDING A CATHETER BAG

the specification of which

(check one)

- ☐ is attached hereto.
- ☒ was filed on 12/06/2004 as United States Application No. or PCT International Application Number _____ and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____	_____	_____
PCT/GB03/01923	02 MAY 2003	PENDING
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

DEREK H. MAUGHAN

REG. NO. 52,007

FRANK J. DYKAS

REG. NO. 28,072

ROBERT L. SHAVER

REG. NO. 42,145

STEPHEN M. NIPPER

REG. NO. 46,260

Send Correspondence to: DEREK H. MAUGHAN
DYKAS, SHAVER & NIPPER, LLP
PO BOX 877
BOISE, ID 83701-0877

Direct Telephone Calls to: *(name and telephone number)*
DEREK H. MAUGHAN (208) 345-1122

Full name of sole or first inventor JOHN MCGUIRE	
Sole or first inventor's signature <i>John Mc Guire</i>	Date 15-12-04
Residence 33 HAWTHORN DRIVE, GIRVAN, AYRSHIRE KA26 0BE, UNITED KINGDOM	
Citizenship UNITED KINGDOM	
Post Office Address 33 HAWTHORN DRIVE, GIRVAN, AYRSHIRE KA26 0BE, UNITED KINGDOM	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

TRANSMITTAL LETTER
(General - Patent Pending)Docket No.
MCGJ101

In Re Application Of: MCGUIRE

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/516,486			21658		2842

Title: APPARATUS FOR HOLDING A CATHETER BAG

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

TRANSMITTAL LETTER TO US DESIGNATED/ELECTED OFFICE
COPY OF NOTIFICATION OF MISSING REQUIREMENTS
DECLARATION AND POWER OF ATTORNEY
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in the above identified application.

- ☒ No additional fee is required.
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- ☐ Payment by credit card. Form PTO-2038 is attached.

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Dated: MAY 18, 2005

Signature

DEREK H. MAUGHAN
DYKAS, SHAVER & NIPPER, LLP
PO BOX 877
BOISE, IDAHO 83701-0877
(208) 345-1122

cc: CLIENT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on
MAY 18, 2005
(Date)

Signature of Person Mailing Correspondence

JULIE O'TYSON via EL987114140US

Typed or Printed Name of Person Mailing Correspondence

Transmittal letter to the U.S. Designated/Elected Office, Copy
of Notification of Missing Requirements, Declaration and
Power of Attorney, General Transmittal with Certificate of
Mailing by Express Mail #EL987114140US

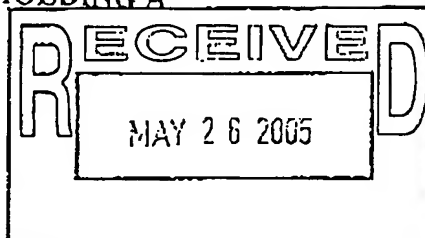
Applicant: MCGUIRE

Invention: APPARATUS FOR HOLDING A
CATHETER BAG

Serial #: PCT/GB03/01923

Our File: MCGJ101

Date: May 18, 2005



JCO2 Rec'd PCT/PTC 18 MAY 2005

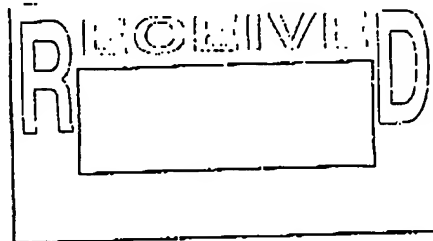


United States Patent and Trademark Office

27 APR 2006

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Derek D. Maughan
DYKAS, SHAVER & NIPPER, L.L.P.
Post Office Box 877
Boise, Idaho 83701-0877



Dear Mr. Maughan:

This is in response to your request received 24 February 2006¹ inquiring about the status of U.S. patent application number 0/516,486. The Office electronic records and a manual review of the application file show no record of a response to the Notification of Missing Requirements allegedly filed 18 May 2005. Should prosecution of the application be desired, applicant should file a petition under 37 CFR 1.181 requesting the Office to accept copies of all the papers submitted on 18 May 2005 along with evidence of receipt of these papers in the Office on the date indicated above. The request should also contain a statement from the attorney of record indicating that these copies are true copies of the papers previously submitted to this Office. The request should be sent to the attention of Catherine Short, Manager of the United States Designated/Elected Office.

Sincerely,

Nguyễn Ngọc-Hồ
Paralegal Specialist
PCT Legal Office

Tel: (571) 272-3290



**Petition under 37 CFR 1.181 and Statement in Support
Thereof with Exhibits A & B, Check in the amount of
\$400.00, General Transmittal with Certificate of
Mailing by Express Mail EV638767717US**

Applicant: JOHN MCGUIRE

**Invention: APPARATUS FOR HOLDING A
CATHETER BAG**

Our File: MCGJ101

Date: May 4, 2006

Sec. No. 10/516,486

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